

Notice of Allowability

Application No.

10/820,981

Examiner

Wayne Langel

Applicant(s)

WANG ET AL.

Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 5-31-06.
2. ☒ The allowed claim(s) is/are 1,2,4-13,15-24,26-29 and 31-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

The following is an examiner's statement of reasons for allowance: The claims are allowable over Munday et al (US 3,781,409) for the reasons presented by applicants in the Remarks of November 30, 2005. In addition, the Wang Declaration filed under 37 CFR 1.132 on November 30, 2005 provides evidence that the hydrogen peroxide solution of Munday et al is acidic even before the pH is adjusted with acid, according to the disclosure at col. 4, lines 14-23 of Munday et al. Accordingly the solution disclosed at col. 4, lines 14-23 of Munday et al would not be basic at the point where the nitrilo tri(methylenephosphonic acid) is added.

The claims are allowable over Feasey et al (US 5,130,053) for the reasons presented by applicants in the Remarks of April 6, 2006. In particular,, the data in the present specification shows that hydrogen peroxide stability at alkaline pHs is only provided by the three component stabilizer system recited in applicants' claims. Although Feasey et al teach in the paragraph bridging columns 4 and 5 that the phosphonic acid stabilizer may be employed in combination with other stabilizers such as stannates and salicyclic acid, one of ordinary skill in the art would not necessarily employ such other stabilizers in combination with the phosphonic acid, since Feasey et al teach at col. 4, lines 64 and 65 that the phosphonic acid may be employed as the sole stabilizer. Moreover, applicants' claims require that the composition comprises less than 1 ppm of pyrophosphate. The aqueous solution of hydrogen peroxide disclosed by Fealey et al would not necessarily contain less than 1 ppm pyrophosphate, since up to about 10 ppm could be present because of pyrophosphate added by the manufacturer of the hydrogen peroxide. (See page 6, lines 19-23 of applicants' specification.)

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Langel whose telephone number is 571-272-1353. The examiner can normally be reached on Monday through Friday, 8 am - 3:30 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Wayne Langel
Primary Examiner
Art Unit 1754